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Attorney Docket No.: 19662-030001

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kalyan Handique et al.

Art Unit : 1743

Serial No. : 10/075,371

Examiner : Brian J. Sines

Filed : February 15, 2002

Conf. No. : 9738

Title : MOVING MICRODROPLETS IN A MICROFLUIDIC DEVICE

## MAIL STOP PETITIONS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT  
UNDER 37 C.F.R. § 1.705(b)**

Sir:

Applicants hereby request reconsideration of the Patent Term Adjustment of the above-identified U.S. Patent Application under 37 C.F.R. § 1.705(b). Under § 1.705(b) Applicants may request reconsideration of Patent Term Adjustment (PTA) on or before payment of the issue fee, if Applicants believe that the amount of PTA indicated on the Notice of Allowance (form PTOL-85 "Determination of Patent Term Adjustment under 35 U.S.C. § 154(b)") is in error.

In the instant application, the Notice of Allowance (form PTOL-85), mailed August 9, 2007 indicates that the PTA would be 403 days. Applicants have checked the file history of the instant application and have also reviewed the "Patent Term Adjustment History" on the Patent Application Information and Retrieval (PAIR) section of the U.S. PTO's web-site. Because Applicants believe that the correct number should be 342 days, Applicants hereby request reconsideration of the PTA accorded the above-identified patent application.

Statement of Facts

Applicants believe that the 2-month extension of time requested on June 23, 2006, which accompanied a Request for Continued Examination filed on the same day, has been overlooked by the Office in their calculation of PTA. Although such an oversight would, if corrected, result in a reduction of PTA accorded to Applicants, Applicants nevertheless bring it to the attention of the office (cf. MPEP § 2733). Applicants interpret 37 C.F.R. § 1.704(b) to mean that a reduction

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of period of adjustment of patent term is warranted for the "cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office" and that such periods of time include both extension periods requested by Applicants between August 23, 2005 and June 23, 2006. Applicants believe, therefore, that the PTA should therefore be reduced by 61 days (from April 23, 2006 to June 23, 2006), to 342 days. Should the Office disagree with Applicants' interpretation of § 1.704(b), then Applicants will gratefully receive notification to that effect.

Applicants assert that the subject U.S. patent is not subject to a terminal disclaimer, and that Applicants did not in any way fail to engage in reasonable efforts to conclude processing and examination of the application.

Under the provisions of 37 C.F.R. § 1.705(b), Applicants timely submit this request for reconsideration of PTA concurrently with payment of the issue fee.

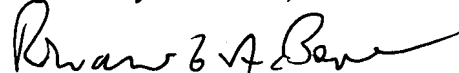
#### **FEE AUTHORIZATION**

Applicants believe that the error in patent term adjustment was a result of PTO error, but, nevertheless, in compliance with 37 C.F.R. § 1.705(b)(1), Applicants hereby authorize payment of the fee of \$200.00, under 37 C.F.R. § 1.18(e). However, Applicants do expressly request waiver of the fee in this instance because the instant petition would, if granted, result in a loss to Applicants of PTA awarded.

No other fee is believed due with this response. However, should the Commissioner determine otherwise, he is authorized to charge any additional fee(s) associated with this communication or to credit any overpayment to our deposit account number 06-1050 (order no. 19662-030001). A copy of this sheet is enclosed for accounting purposes.

Date: November 9, 2007

Respectfully submitted,



Richard G. A. Bone  
Reg. No. 56,637